

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

STEPHEN N. DAVIS,)	
)	
Petitioner,)	
)	
vs.)	No. CIV-12-564-C
)	
RANDY WORKMAN, Warden,)	
)	
Respondent.)	

ORDER

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Robert E. Bacharach, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Bacharach entered a Report and Recommendation on May 21, 2012, recommending dismissal if the filing was not paid within 21 days. The Petitioner has objected and the Court therefore considers the matter de novo.

Judge Bacharach found that the existence of \$2.12 in the draw account and \$48 in the savings account justified denial of leave to proceed in forma pauperis where the filing fee is only \$5.00. In his objection, Petitioner again provides documents showing he has \$48 in his savings account and seems to conclude that that shows he is unable to pay the fee. To the contrary, he has sufficient funds to pay the \$5.00 filing fee both now and at the time Judge Bacharach recommended denial of leave to proceed in forma pauperis.

The Report and Recommendation of Judge Bacharach is adopted, in its entirety, and if the filing fee of \$5.00 is not submitted on or before June 28, 2012, this action will be dismissed, without prejudice. All pending motions are stricken as moot.

IT IS SO ORDERED this 20th day of June, 2012.



ROBIN J. CAUTHRON
United States District Judge